

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

BERNICE TURNER

PLAINTIFF

v.

CIVIL ACTION NO.: 5:14-cv-36-DCB-MTP

HARTFORD, INC, ET AL.

DEFENDANTS

REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Plaintiff's Motion for Leave to Proceed *in forma pauperis* [2] and on Plaintiff's failure to comply with the Court's Order [4]. For the reasons set forth below, the undersigned recommends that Plaintiff's Motion [2] be denied and that Plaintiff be directed to pay the filing fee.

Plaintiff, through counsel, filed her Complaint along with her Motion for Leave to Proceed *in forma pauperis* [2]. The Court found that Plaintiff's application to proceed *in forma pauperis* was incomplete and needed clarification. Therefore, the Court ordered Plaintiff to complete a long form application and submit it by August 18, 2014. *See* Order [4]. The Court instructed Plaintiff that her failure to submit the completed application could result in her Motion [2] being denied.

To date, Plaintiff has failed to submit a completed application. Without the information contained in the log form application, this Court cannot determine Plaintiff's financial status.¹ Thus, Plaintiff has failed to comply with this Court's Order [4] and has failed to meet her burden of establishing her entitlement to proceed *in forma pauperis*. Accordingly, Plaintiff's Motion [2]

¹ For example, the application [2] initially submitted indicated that Plaintiff received disability payments, but did not provide the amount. Plaintiff also indicated that she possessed \$1,000 either in cash or in accounts. No debts were listed other than a mortgage payment.

should be denied.

RECOMMENDATION

Based on the foregoing, the undersigned recommends that:

1. Plaintiff's Motion for Leave to Proceed *in forma pauperis* [2] be DENIED,
2. Plaintiff be given thirty (30) days to pay all of the costs associated with the filing of this lawsuit, and
3. Should Plaintiff fail to timely pay all of the costs associated with the filing of this lawsuit, this matter be dismissed without prejudice and without further notice.

NOTICE OF RIGHT TO OBJECT

In accordance with the rules and 28 U.S.C. § 636(b)(1), any party within fourteen days after being served a copy of this recommendation, may serve and file written objections to the recommendations, with a copy to the judge, the magistrate judge and the opposing party. The District Judge at the time may accept, reject or modify in whole or part, the recommendations of the Magistrate Judge, or may receive further evidence or recommit the matter to this Court with instructions. The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendations contained within this report and recommendation within fourteen days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions accepted by the district court to which the party has not objected. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

THIS the 3rd day of September, 2014.

s/ Michael T. Parker
United States Magistrate Judge